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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ex Parte Ditlow, et al

Serial No.: 09/943,829

Group Art Unit: 2195

Filed: August 31, 2001

Examiner: Tang, K.

For: METHOD AND APPARATUS TO MANAGE MULTI-COMPUTER SUPPLY

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.181
TO REINSTATE APPEAL

Sir:

Appellants herein petition under 37 C.F.R. §1.181 for reinstatement of the appeal for the above-referenced Application, as authorized by 37 C.F.R. §1.193(b)(2)(ii).

The Office Action dated November 29, 2005, re-opened prosecution, as based on the Appeal Brief filed September 19, 2005.

Appellants have evaluated this new rejection and consider that, to one of ordinary skill in the art, the reference cited therein would be irrelevant to the present invention, as defined by the claims. Therefore, Appellants consider that re-opening the prosecution based on the rejection therein would not meaningfully advance prosecution and would only serve to continue to unduly delay the ultimate issue of the patent.

In summary, based upon an in-depth analysis, Appellants submit that newly-cited primary reference, US Patent Application Publication US 2002/0059625 to Kurauchi, is non-analogous

S/N: 09/943,829

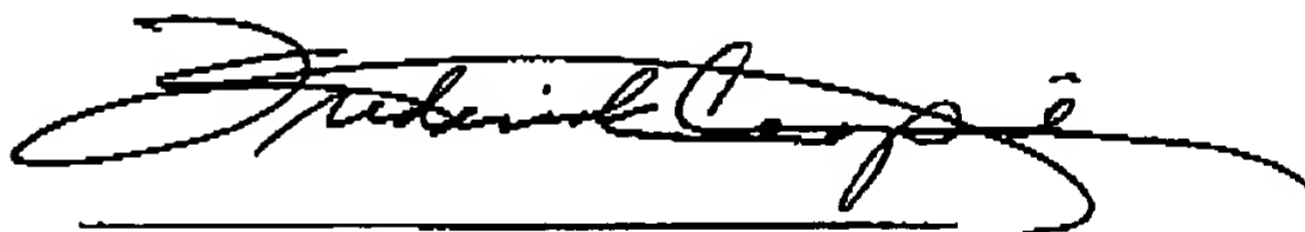
art relative to the present invention and cannot be modified into the parallel-processing environment defined by the claimed invention without changing its principle of operation. Moreover, Appellants submit that previously-cited secondary reference, US Patent 6,105,053 to Kimmel et al., is non-analogous to this new primary reference and, even if primary reference Kurauchi were to be modified in accordance with Kimmel, the combination of references would not result in the claimed invention.

Therefore, Appellants petition that the appeal be reinstated, as permitted by 37 C.F.R. §1.193(b)(2)(ii). A Supplemental Appeal Brief is submitted concurrent herewith that specifically addresses the new rejection based on Kurauchi.

Respectfully submitted,

Date:

2/28/06



Frederick E. Cooperrider
Reg. No. 36, 769

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254